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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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James M. Gill

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EXAMINER

PLUCINSKI, JAMISUE A

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

05/12/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/939,206	Applicant(s) GILL ET AL.	
	Examiner JAMISUE A. PLUCINSKI	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20100419</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 4/19/10 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 46, 49-51, 53, 54, 60, 63-66, 68-70, 72, 75-77, and 79-81 are rejected under 35 U.S.C. 102(b) as being anticipated by Boucher et al. (GB 2331602A).

4. With respect to Claims 46, 60, 70, and 72: Boucher discloses the use of a system for processing data associated with a freight shipment comprising:

a. A rate sheet input module capable of accepting a plurality of rate sheets wherein each rate sheet specifies published freight rates and each rate sheet is associated with one of a plurality of freight carriers and is respectively structured according to one of a plurality of formats, the rate sheet input module further receiving and storing a rate sheet

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associated with the one of a plurality of freight carriers and structured according to one of the plurality of formats (See Reference numerals 250a-c, with corresponding detailed description);

- b. A rate sheet analyzer module (See Librarian 220 with corresponding detailed description and Page 5 lines 21-27) adapted to interface with a template storage module storing a plurality of templates, wherein one of the plurality of templates is associated with a specific freight carrier and is structured according to said one of the plurality of formats to interpret the rate sheet, the rate sheet analyzer module selecting the one of the plurality of templates by matching the one of the plurality of freight carriers associated with the rate sheet with the specific freight carrier associated with the one of the plurality of templates (Reference numeral 240a-c with corresponding detailed description).
 - c. Rule generation module determining a freight charge associated with the freight carrier using the selected one of the plurality of templates and the rate sheet (Reference numeral 210 with corresponding detailed description).
- 5. With respect to Claims 49, 63, 64, and 75: See Boucher, Page 11, lines 21-23.
 - 6. With respect to Claims 50, 51, 65, 66, 76 and 77: See Boucher Page 14 lines 8-24 as well as Page 15, lines 1-5.
 - 7. With respect to Claims 53, 68 and 79: See Boucher Figure 2 with corresponding detailed description.
 - 8. With respect to Claims 54, 69, 80 and 81: See Boucher Reference numeral 270 with corresponding detailed description.

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Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 47, 52, 55-59, 61, 67, 71, 73, 78, 82 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher in view of Kulik (5,661,653).

12. With respect to Claim 47, 61 and 73: Boucher discloses the use of rate sheets and templates which are associated with a particular carrier, however fails to disclose the specifics of the rate sheet and what format it is in, such as a spreadsheet format. Kulik discloses the use of a rate sheet for a particular carrier and shows it in spreadsheet format (See Columns 7 and 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Boucher to have the rate sheet in specific formats such as a spreadsheet as disclosed by Kulik, in order to have the rate data organized in a specific way.

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13. With respect to Claims 52, 67 and 78: Kulik discloses the user can define such things as class, and weight, in a template for determining the rate (column 6, lines 20-40, Tables 1-3). The examiner considers this to be a keyword, that signifies the type of data (i.e. class or weight).
14. With respect to Claims 55-58: See Danford-Klein Table 1, Columns 17-19
15. With respect to Claims 59, 71, 82 and 83: See Danford-Klein, Table 1, Columns 17-19.
16. With respect to Claim 70: Kulik discloses the use of multiple templates, See Figure 2.
17. Claims 48, 62, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher and Kulick and in further view of Mattioli, Jr. et al. (6,286,009).
18. With respect to Claims 48, 62 and 74: Boucher and Kulik, as disclosed above for Claim 46, discloses the use of customized rate tables by class, but fails to disclose the rate tables including zones. It is old and well known in the art that rate calculations for shipping, include such parameters as zone (for example international shipping is always higher than shipping within the United States. Mattioli shows that the zone is commonly included in a rate calculation (column 3, lines 32-52). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have the rate calculation and rate tables of Boucher, include the zone, as disclosed by Mattioli, as specified in claim 48.

Response to Amendment

19. The applicant has filed an RCE to get references considered in the present case, which were filed in other copending cases. It should be noted that in the future when a foreign reference is submitted in a previous case and the cited reference is not being submitted in the instant application, a statement should be made with the submitted IDS pointing to where the references are and in which case they can be found.

20. During review of the references submitted in the IDS, the examiner found one particular reference to cite the inventive concept and to include the limitation which the BPAI decision had indicated Kulik lacking. The rejection is outlined above with the cited reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMISUE A. PLUCINSKI whose telephone number is (571)272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamisue A. Plucinski/
Primary Examiner, Art Unit 3629